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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CASE NO. 3:10-MD-02143 RS

MDL NO. 2143

IN RE OPTICAL DISK DRIVE  
ANTITRUST LITIGATION

**STIPULATION AND ~~PROPOSED~~ ORDER  
REGARDING THE BRIEFING FOR ANY  
MOTIONS TO DISMISS**

This document relates to:

ALL ACTIONS

1 WHEREAS, on August 3, 2011, this Court entered an Order Granting Motions to  
2 Dismiss, With Leave to Amend (Dkt. No. 393);

3 WHEREAS, on August 26, 2011, this Court entered a Stipulation and Order Re Time to  
4 File Consolidated Amended Complaints and Briefing Schedule for Any Motions to Dismiss  
5 (Dkt. No. 401), which set the deadline for Direct Purchaser Plaintiffs and Indirect Purchaser  
6 Plaintiffs to file any amended complaints and also set the briefing schedule for any motions to  
7 dismiss the amended complaints;

8 WHEREAS, on September 23, 2011, the Direct Purchaser Plaintiffs and Indirect  
9 Purchaser Plaintiffs each filed separate second amended consolidated complaints (Dkt. Nos. 403  
10 & 407);

11 WHEREAS, certain Defendants intend to file motions to dismiss the second amended  
12 consolidated complaints;

13 WHEREAS, Defendants have requested, and both the Direct and Indirect Purchaser  
14 Plaintiffs are agreeable to, a briefing arrangement which permits consolidated briefing to address  
15 common issues, while still allowing each Defendant the opportunity to address the allegations  
16 and issues specific to it in additional individualized briefs;

17 WHEREAS, the parties' agreed upon briefing arrangement and page limits, as set forth  
18 below, is the same as that previously ordered by Judge Walker in this action (Dkt. No. 237) in  
19 connection with the prior motions to dismiss the first amended consolidated complaints;

20 IT IS HEREBY STIPULATED by the undersigned counsel on behalf of the parties  
21 identified below, that the briefing for any motions to dismiss filed by Defendants shall remain  
22 subject to the schedule set in the Court's August 26, 2011 Order and shall also be subject to the  
23 following page limits:

- 24 • Defendants' joint motion to dismiss the Second Consolidated Direct Purchaser  
25 Class Action Complaint shall be not more than 40 pages; any Opposition  
26 Memorandum shall be not more than 40 pages; and any Reply Memorandum shall  
27 be not more than 15 pages.
- 28 • Defendants' joint motion to dismiss the Indirect Purchaser Plaintiffs' Second

Amended Class Action Complaint shall be not more than 40 pages; any  
Opposition Memorandum shall be not more than 40 pages; and any Reply  
Memorandum shall be not more than 15 pages.

- Additional memoranda may be filed by individual defendants. Opening  
memoranda shall be not more than 6 pages, oppositions not more than 6 pages  
and replies not more than 4 pages. The parties, however, will consolidate  
argument where appropriate.

**IT IS SO STIPULATED.**

Dated: October 4, 2011

Respectfully submitted,

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**ATTESTATION OF FILING**

Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), I hereby attest that concurrence in the filing of this document has been properly obtained.

/s/ Belinda S Lee

Belinda S Lee  
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**IT IS SO ORDERED.**

Dated: 10/4, 2011



The Honorable Richard Seeborg  
United States District Judge  
Northern District of California

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